



BARNSTABLE
TOWN CLERK

Town of Barnstable

Planning Board

NOV 15 10:50



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Paul Wackrow, Senior Planner
Karen Herrand – Principal Assistant - karen.herrand@town.barnstable.ma.us

Town of Barnstable PLANNING BOARD Minutes December 9, 2019

Steven Costello – Chairman	Present
Jeffrey Swartz – Vice Chairman	Present
Patrick Foran – Clerk	Present
Marry Barry	Absent
Walter Watson	Present
Stephen Robichaud	Present

Also in attendance were Paul Wackrow, Senior Planner, Planning & Development and Karen Herrand, Principal Assistant, Planning & Development.

Call to Order: Introduction of Board Members and Staff Members

Notice of Recording: This meeting is being recorded and broadcast on Channel 18 and in accordance with MGL Chapter 30A §20. The Chair must inquire whether anyone else is taping this meeting and to please make their presence known.

Subdivisions:

Request for Lot Release – Lot 16 Sub. No. 292 – 10 Bosuns Way, Marstons Mills

Paul Wackrow gives an update on the subdivision. All other lots released by mid '80's. Road has drainage/storm water issues that drain onto this lot 16. Current owner would like to build house on this lot. Drainage plan submitted, Exhibit A, plan.

Staff recommends releasing the lot subject to final approval by Town Engineer and a report after installation. Would hold off on permit until drainage installed.

Chair Steven Costello, clarifies.

Pat Foran makes a motion to release lot 16, subject to Town Engineer's approval and inspection, seconded by Jeff Swartz, so voted unanimously.

Regulatory Agreements:

Regulatory Agreement No. 2019-03 – 451 & 467 Iyannough Rd., and 400 Barnstable Rd., Hyannis, Massachusetts, Map 311 Parcels 082, 081 and 030-001 - Airview LLC seeks to enter into a Regulatory Agreement with the Town of Barnstable to redevelop three parcels with two new retail structures. The

development would also include an access easement over property shown on Assessor's Map 311, Parcel 030/001 (400 Barnstable Rd.). It is zoned HG – Hyannis Gateway District; Groundwater Protection Overlay District; and Well Protection Overlay District.

Chair Steven Costello entertains a motion to open the public hearing moved by Jeff Swartz, seconded by Patrick Foran, so voted unanimously.

Attorney John Kenney in attendance., representing the Applicant, Airview LLC.
John Lavelle Baxter Nye in attendance.
Randy Hart in attendance.

Attorney Kenney gives an explanation of the proposed project – background. Previous meetings with staff. Site plan review, formal and informal, July 2, 2019, site plan with conditions. Existing conditions plan, referred to C2.0, Exhibit B. Previously Mitchells Steak House and VFW site. Fire Dept. was concerned about the buildings and vacancy, then they were removed in 2017. Reference to curb cuts on the plan, Exhibit B.

Proposed conditions – closing down the curb cut on Route 28, dark lines, Exhibit B, Boston bars – this area is an easement to give access to the site. Have to remove existing sidewalk that is there and the curbing, pave over and the Boston bars would have to be put in. Raised brick area, traffic calming, so not to use as a cut through. Two buildings are being proposed. Previously no storm water facilities present.

Proposed redevelopment – really 3 lots, assessing has as 2. Deed reference has only 2, but all the same property. Proposing to combine all into 1 lot. Retail pharmacy with pick up window.

Did contemplate a Dunkin Donuts, however this is not a proposed tenant now and no drive through at this time for this building. Pharmacy does have a pick up drive through window. Combining curb cuts on Route 28. Access on Barnstable Rd., right in right out only. 10,000 sq. ft. Walgreens building, with a drive through. No tenant proposed for other building yet. Waivers for parking are being requested, front of the building.

Chair Steven Costello asks about easterly area, what will be there? TJ Maxx parking lot area.

Attorney Kenney replies green area here. Landscape plan. Reduction of impervious. Sidewalk constructed in front of the property along Route 28. No final plans for the redoing of Route 28 as of yet, from plans by the state for reconstruction. Storm water drainage will be installed. Two freestanding signs, with directional signage. Total of 80 parking spaces for the area. Elevation Plans for Bldg. A – Refers to the signage, Exhibit C, red Walgreens sign. Elevation Plans for Bldg. B – Exhibit C, back of bldg., part of the sign package. Growth Incentive Zone (GIZ) property. Exterior site lighting, improved drainage/storm water, new underground utility, removing 6 inch water main in front of Route 28. Where signs are they will be installing fire hydrants, two new hydrants to service the area.

Jeff Swartz asks for clarification re the landscape plan/landscape architect.

Attorney Kenney states that they don't have a stamped sealed from licensed architect for the plan. Reference to the plan, (with Site Plan) Exhibit D. No landscaping on the site presently. They have to limit height of trees to 25 ft. or less because of flight path to airport.

Public Comment.

Debra Hennessey in attendance. They own the adjacent property, used to be Airport Motors property. She has concerns about homeless. Thinks it would be a betterment as a whole. Drive in pharmacy concerns with drug use already in this area, behind stores.

Felicia Penn in attendance, she refers to her letter, Exhibit E, handout. The Applicant has drafted the Regulatory Agreement, and not Staff, as I thought, so any previous comments are not valid, apologies. It is premature to consider this right now. We do not know who will be in building B and/or who it is going to be. Retail use of 6,000 sq. ft., really two retail uses totaling this amount.

Asks to not make any decisions without knowing the occupancy and who tenants will be would be a big disservice. Now assigned 50 parking spaces. Retail use would intensify and more traffic. Very concerned with not knowing the use. Committed to re use of the property and considers the agreement to be in best interest.

Visual impact concerns with Walgreen's Bldg., Bldg. A and how that represents Cape Cod. Prototype designs are undesirable. Flat roofs are prohibited, refers to design and infrastructure plan. Design and infrastructure plan from 2005 and when new development would reach a higher bar. Traffic concerns. Waivers – 20 being requested. Most concern in traffic, curb cuts, parking in front, not enough plantings, there are too many signs, too large. Need landscape plan stamped. Another drive through window is a concern. Has to have a bigger community benefit, than just a sharpie drop off. A lot more work to be done.

Raul Rivera from Cape & Islands Engineering, representing Bob Segal. Concerned with redesign of curb cut onto Barnstable Rd.

Attorney Mike Ford in attendance, representing Joel Laham. This property needs redevelopment here, however concerns with current proposal. Why not go to Zoning Board of Appeals (ZBA) for Special Permit for this? Applicant doesn't want to design the parking lot to come into new regulations, they don't want to do the landscaping. Many of the waivers have to do with parking and buffers, these are Gateway issues. Why not have a stamped landscape plan. Signs – larger than allowed. A regulatory agreement can grant them waivers that they don't want to comply with. In exchange the Town looks for public benefits.

They ask that – they eliminate the second bldg. This is a significant increase in traffic. Get rid of the other bldg. you could meet the landscaping and parking requirements. Drive through could work well. Design one curb cut entrance. Site can be redeveloped, but another bldg. doesn't make a lot of sense. This should be a first class site, in the Gateway District. Go to ZBA as a special permit for just the Walgreen's.

Walter Watson – waivers seem excessive. Traffic concerns.

Randy Hart, VHB replies that there is a design for the implementation for the traffic and the state, Hyannis Access Study. There are some short term plans re the rotary reconfiguration. Right now no formal design, just concepts being considered.

Attorney Kenney – waivers. In Growth Incentive Zone (GIZ), should only have to meet these standards. There are 4 waivers for lot coverage, because in two separate districts, the waivers are less than in actuality and similar to what was approved at the CVS site.

Patrick Foran – traffic concerns. Tenant for second bldg. concerns, why this route with two buildings and not go to ZBA for a special permit.

Attorney Kenney states that it has to come through to Planning Board as they are the Special Permit Granting Authority (SPGA) in the GiZ.

Jeff Swartz has a problem with the signs. Need something more conducive to the district. Need a stamped landscaping plan. By right uses that are concerning to him. Traffic concerns. If Rite Aid shuts down other businesses could go in here. Hyannis Access Study – rotary issues now.

Getting rid of bldg. B would make easier. This application needs a lot of review/changes/more investment into the beauty of the site.

Stephen Robichaud – right in right out only way to go with this property and traffic design. Re look at the design of the building more of Cape Cod feel. Rite Aid closing – if not this would be too many pharmacies in the area. Two parking lots, asks why not currently part of the plan.

Attorney Kenney replies that the owner from the Staples plaza is not interested in doing a connecting area.

Chair Steven Costello asks about the connectivity problem. Any discussions about easterly entrance, TJ Maxx side of plaza. This exit and entrance is much wider. Size of Walgreens is the max amount of sq. footage that they are looking for. Bldg. 2 seems like an after thought, detrimental to the overall site.

Attorney Kenney, replies they don't have a tenant in mind, no negotiations at this time. But amiable to coming back with a condition to bring any proposed retail use back to the Planning Board.

Chair Steven Costello asks if any data collected re traffic and access points. Nothing really there now.

Randy Hart replies they came to the access configuration, there are 3 points of access, very wide, no delineation because of size. This plan would narrow down to more confirming curb cuts to meet modern, safe standards. Can also go out through Barnstable Rd. alternative.

Walter Watson clarifies the eastern most access. Traffic concerns at the proposed access point. No left turn onto Route 28.

Attorney Kenney, paragraph 18, of Draft Reg. Agreement – Waivers, Exhibit F, read into record: *"18. The Town hereby grants the following waivers from the Town of Barnstable Zoning Ordinance for the Redevelopment, as requested by the Developer:*

- a. Section 240-24.1.8(B)(1)(a), Special permit for Non-Residential Development with total gross floor area greater than 10,000 square feet.
 - i. Applicant proposes 6,000 square foot reserved retail space, and 10,000 square foot retain pharmacy.**
- b. Section 240-24.1.8(B)(3), Special Permit for retail uses that increase the number of vehicle trips per day and/or increase peak hour vehicle trips.
 - ii. Proposed retail pharmacy and 6,000 square foot reserved retail area will result in increase of vehicle trips.**
- c. Section 240-24.1.8(C), Front Yard Setback
 - iii. Proposed Building A (Walgreen's) is 59.8 feet (building) and 51.7 feet (canopy) from Route 28(60 foot front Yard setback required).**
- d. Section 240-24.1.8(C)(1), Front yard landscape setback from Rout 28 of 60 feet.
 - iv. Proposed landscape setback from Rout 28 is 10.00 feet, but represents a substantial improvement as compared to existing conditions, (zero feet).**

- e. *Section 240-24.1.8(C)(2)(a), Special Permit for new vehicular access/change in use that increases vehicle trips per day and/or peak hour roadway use for existing curb cuts on Route 28.*
 - v. *Proposed retail uses will result in increase of vehicle trips.*
- f. *Section 240-24.1.8(C)(2)(d), Location of Parking*
 - vi. *Proposed two rows of parking in front of Building B from Route 28 frontage.*
- g. *Section 240-24.18(C)(2)(e), Transit improvement incentives*
 - vii. *Applicant proposes a reduction in required parking from 82 spaces to 80 spaces as project significantly reduces the width of existing curb cuts in a manner that improves the through flow of traffic on Route 28.*
- h. *Section 240-24.1.11(A)(3), Drive-through windows.*
 - viii. *Redevelopment proposes one drive through window for retail pharmacy.*
- i. *Section 240-24.1.11(A)(4)(a)[1] and Section 240-56, Schedule of Parking Spaces.*
 - ix. *Redevelopment proposes 80 parking spaces and Ordinance requires 82 parking spaces.*
- j. *Section 240-24.1.11(A)(4)(c)[1], Parking Design Standards. Parking areas shall be located to the rear of a building.*
 - x. *Proposed project has one row of parking in front of Building A and two rows of parking in front of Building B.*
- k. *Section 240-24.1.11(A)(4)(d)[4], Parking Design Standards, Landscape island regulations.*
 - xi. *Some proposed landscape islands are less than the 10 feet minimum required – see subsection m. below.*
- l. *Section 240-24-1-11(A)(4)(e), Landscaping of pre existing parking spaces.*
 - xii. *Ordinance requires existing parking lots containing 21 or more parking spaces be brought into compliance with Section 240-24.1.11 and waivers are being requested.*
- m. *Section 240-24.1.11(A)(4)(d)[2] and [3] Parking lot landscaping.*
 - xiii. *Ordinance requires 6' landscape buffer between property lines and parking spaces and between building and surface area of parking lot. Proposed landscape buffer from building to surface area of parking lot varies from 0 to 5.7 feet.*
 - xiv. *Proposed landscape islands vary in width from 6 feet to 18 feet (10' width required).*
 - xv. *For each of these parking lot landscaping waivers, the proposed condition represents an improvement as compared to existing, non-conforming condition of Property.*
- n. *Section 240-24.1.11(A)(4)(e) Landscaping of pre-existing lots.*
 - xvi. *Ordinance requires 6' Landscape buffer between property lines and parking spaces and between building and surface area of parking lot. Proposed landscape buffer from the preproperty lines to the edge of the parking lot varies from 4.3 feet to greater than 6.0 feet. Proposed landscape buffer from building to surface area of parking lot varies from 0 feet to 5.7 feet.*
 - xvii. *Proposed landscape islands vary in width from 6 feet to 18 feet (10' width required).*

- xviii. *For each of these parking lot landscaping waivers, the proposed condition represents an improvement as compared to existing, non-conforming condition of Property.*
- o. *Section 240-53(B)(1) and (2) and 240-53(C), Landscaping requirements for parking lots.*
 - xix. *Ordinance requires 10 foot landscape setback for parking lots from property line and 10' landscape perimeter buffer between building and surfaced area or parking lot. Redevelopment proposes parking lot landscape setback of 6.0 feet and a 0 to 5.7 foot landscape perimeter buffer between building and surfaced area of parking lot.*
 - xx. *Redevelopment proposed interior landscape islands of between 6 feet to 18 feet in width (10 feet in width required).*
 - xxi. *For each of these parking lot landscape requirements, the proposed condition represents an improvement as compared to the existing, non-conforming condition of the property.*
- p. *Section 240-35(F)(3) and (4), GP Overlay District.*
 - xxii. *Redevelopment proposes impervious coverage of 74.8% (Ordinance provides for 50% maximum, but existing impervious coverage is 78.1%).*
 - xxiii. *Existing and proposed natural state is 0% (30% minimum required).*
- q. *Section 240-35(G)(3) and (4), WP Overlay District.*
 - xxiv. *Redevelopment proposed impervious coverage of 74.8% (Ordinance provides for 50% maximum, but existing impervious coverage is 78.2%).*
 - xxv. *Existing and proposed natural state is 0% (30% minimum required).*
- r. *Sections 240-24.1.11(A)(6); 240-67(A),(B), and (C), and 240-65(A)-(I), Signage.*
 - xxvi. *Section 240-67(B) limits the maximum square footage of all signs to the lesser of 50 square feet or 10% of the building face. Excluding directional drive thru signage, the total square footage of signage for Building A (proposed pharmacy) is 177.54 square feet and the total square footage of signage for Building B (proposed retail space) is 150 square feet.*
 - xxvii. *Section 240-67(C) limits the maximum size of any freestanding sign to 10 square feet except that the Building Commissioner can grant up to 24 square feet. The project proposes two freestanding signs each totaling 30 square feet.*
 - xxviii. *Section 240-65(A) limits each business to a total of two signs. Building A (proposed pharmacy) proposes 6 signs (four building signs and one panel on each of the two freestanding pylon signs). Building B (retail space) proposes four signs (a panel on each of the freestanding pylon signs for each location) with additional signage to be determined.*
 - xxix. *Section 240-65(d) allows one freestanding sign per business, which may not exceed half of the allowable size as permitted. The project proposes two freestanding signs each of which exceeds the allowable size.*
 - xxx. *Section 240-75 allows for directional or safety signs provided such signs do not exceed one square foot in area, nor be more than three feet high. No more than four such signs are allowed per site. Building A proposes the following directional/safety signs:*
 - Drive Thru Canopy Sign – 1.75 sq. ft.*
 - Drive Thru Direction Sign – 5.37 sq. ft.*
 - Drive Thru Clearance Sign – 1.67 sq. ft.*

Drive Thru Exit Sign – 1.75 sq. ft.

s. Section 240-65 and 240-67 Signs in the HG District.

xxxi. Redevelopment proposes two free standing signs – one along Route 28 and one along Barnstable Road. The Ordinance allows for only one free standing sign per business.

t. Section 240-24.1.8.(D)(i), Landscaping.

xxxii. Ordinance requires the landscape plan be stamped by a Massachusetts certified landscape architect and landscape plan is not so stamped.

19. In addition to the foregoing waivers/relief from the Zoning Ordiances, this Agreement also waives the requirement for a public hearing before the Town Manager pursuant to Chapter 115-2 of the Code (Hours of Operation of Businesses) and authorizes issuance of a permit to allow the proposed pharmacy drive-up window to remain open twenty-four hours a day. Said permit may be revoked by the Town pursuant to the process set forth in Chapter 115-2 of the Code.”

Walter Watson - waivers – concerns about the surrounding buildings, that may want to do renovations as well. Asks to look at ways to look around all of the waivers being requested. May be a concern down the road.

Jeff Swartz asks about dumpster placement. Agrees with the previous business re the CVS development in the area. Need to work through the waivers and the traffic issues.

Chair Steven Costello agrees that the site needs to be developed. Has a concern with the access/travel lane that is between the two buildings, concerns with building B with unknown tenants that could dramatically effect. Walgreens location bldg. possible to make it more in a parallel position to Route 28. Maybe free up a lot of parking concerns re the front of the bldg. Take bldg. A and rotate counter clockwise so parallel to Hyannough Rd., reduce overall sq. footage if Walgreens agree, could stay within all the boundaries. Ultimately comes down to traffic concerns.

Stuart Bornstein in attendance. States that there have been 26 major revisions already been done with this project, traffic and engineers to work out this as an acceptable plan. Has worked with Staff and experts. They are doing their best to clean up this property and make something viable.

Chair Steven Costello replies that they want to give this project its due diligence and would like to have the project

Chair Steven Costello entertains a motion to continue the public hearing to January 13, 2019, moved by Jeff Swartz adding a request to look at the Hyannis Access Study and the compatibility for this project, seconded by Patrick Foran, so voted unanimously.

Chair Steven Costello entertains a motion to adjourn, moved by Jeff Swartz, seconded by Walter Watson, so voted unanimously.

Other Business

Correspondence:

Chapter 91 Notice – 235 Seapuit River Rd., Osterville – Yasmin Realty Limited – Maintenance dredging

Matters Not Reasonably Anticipated by the Chair:

Future Meetings: January 13 and January 27, 2020, @ 7:00 p.m.

The meeting adjourned at 8:46 p.m.

Respectfully Submitted


By Karen Herrand, Principal Assistant, Planning & Development

Approved by vote of the Board on

Jan. 13, 2020

Further detail may be obtained by viewing the video via Channel 18 on demand at
<http://www.town.barnstable.ma.us>

List of Exhibit Documents

Exhibit A – Sub. No. 292 – Site Plan of Land dated May 15, 2019

Exhibit B, C and D – Reg. Agrmnt No. 2019-03- Proposed Redevelopment Project – Site Construction Plans

Exhibit E - Reg. Agrmnt No. 2019-03- Lt. from Felicia Penn dated Dec. 5, 2019

Exhibit F - Reg. Agrmnt No. 2019-03 – Draft Reg. Agrmnt document (Attorney Kenney draft)